

CITY OF TUCSON

2011 ELECTIONS

**POLITICAL
ELECTION
SIGN
REGULATIONS**



PRIMARY ELECTION

AUGUST 30

GENERAL ELECTION

NOVEMBER 8

CITY OF TUCSON POLITICAL ELECTION SIGN REGULATIONS

A political election sign is defined as "a sign not permanently installed in the ground or attached to a building relating to the election of a person to a public office, or relating to a political party, or relating to a matter to be voted upon at an election called by a public body."

What to Do

- ◆ Provide the City of Tucson's Housing and Community Development Department with the name, address and telephone number of the individual responsible for the placement and removal of the signs.
- ◆ Locate political election signs on private property only. Only the property owner – or a candidate or political committee who has received permission directly from the property owner – may erect political election signs.
- ◆ Keep in mind that individuals who post signs on their *own* property in support of, or opposition to, a candidate are not required to permit the candidate's opponents to post signs on same property. Individuals who place political election signs on their own property without input from a candidate or political committee are not required to notify the Housing and Community Development Department.
- ◆ Obtain permission from the person with actual authority to grant it. In the case of rental property, that person may be the owner or the tenant, depending on the specific desired location of the sign and the lease.

What *Not* to Do

- ◆ Do not place political election signs in the public right-of-way or on public property. When in doubt, check the Tucson Department of Transportation website at: <http://maps.tucsonaz.gov/mrsurvey/>
- ◆ Do not allow election signs to obstruct the view of vehicle operators or create a traffic hazard.
- ◆ Do not post, display or otherwise attach a political election sign to or upon any street lamp post, street sign, traffic sign or signal, hydrant, tree, shrub, fence or utility pole. This also includes any public structure (such as a bus stop) or building.
- ◆ Do not put sign stakes or rebar into the ground without first having the area "blue-staked." Contact the Blue Stake Center at 800-782-5348 to have underground public utilities marked free-of-charge.
- ◆ Do not place political election signs in support or opposition to a candidate on property owned or under control of corporations, labor organizations or limited liability companies. Arizona Revised Statutes § 16-919 prohibits corporations, labor organizations or limited liability companies from making political contributions to candidates *unless* the political action committee of a corporation, labor organization or limited liability company has authorized a particular property's use. In addition, if the "forum for speech" exception applies to the particular property, no actual contribution will be deemed to occur.

Penalties

Penalties for violating political election sign provisions are set forth in Tucson Code Ch. 3 and Ch. 16, §§ 36, and 48. Minimum penalties begin at \$100 plus cost of removal. Signs located in the public right-of-way or on public property are subject to immediate removal and penalties.

**PLACEMENT OF
POLITICAL ELECTION SIGNS
(TUCSON CODE §3-17, §3-51 AND §3-91)**

It is the responsibility of the candidate or political committee to ensure all signs are in compliance.

PRIVATE PROPERTY APPROVAL

It is unlawful to post signs on private property without the permission of owner.

PUBLIC PROPERTY

It is unlawful to post signs in the public right-of-way or on public property. Signs in violation are subject to immediate removal.

MAXIMUM AREA

Residential Districts: *Six (6) square feet.*

All other districts: *Fifty (50) square feet.*

Districts are determined pursuant to the Tucson Sign Code. Contact the of Housing and Community Development Department.

MAXIMUM HEIGHT

All districts: *Ten (10) feet.*

PLACEMENT AND MAINTENANCE

All signs must be kept in a presentable and safe condition. This includes capping *all* rebar stakes.

Signs in violation are subject to immediate removal.

REMOVAL

(TUCSON CODE §3-51 (E) (3))

All signs located within 75 feet of any polling place must be removed prior to Election Day. All signs must be removed no later than 15 days after the primary election (*or by Sep 14, 2011*) except that winners of a primary election need not remove their signs until 15 days after the general election (*or by Nov 23, 2011*).

Campaign Finance Reporting Obligations?

NO. When the property owner or person with control of the property opens up the property being sought, or a designated portion of that property, to all persons, including other candidates, as a forum for speech, such authorized use does not constitute a contribution.

YES. When candidates or committees obtain the authorized use of specific private property for the placement of political election signs—due to a favorable location or as part of an orchestrated show of support by a specific group or association—such authorized use does constitute a contribution to the candidate by the person authorizing the placement of the political election sign.

DON'T FORGET. All literature and advertisements expressly advocating the election or defeat of a candidate *must* include “paid for by” followed by the name of the committee as it appears on the committee’s Statement of Organization or Exemption Statement filed with the City Clerk (Arizona Revised Statutes §16-912). This disclosure is not required for signs paid for by a single candidate or by the candidate’s campaign committee for his or her own campaign. (A.R.S. §16-912.C.)

If the advertisement is sponsored by more than one committee, *ALL* sponsoring committee names must be included on the advertisement. The disclosure must be printed clearly and legibly in a conspicuous manner. In addition, political committees supporting or opposing ballot propositions shall disclose the four largest of its major funding sources as of the time the political election sign is printed or otherwise produced for dissemination. If a political committee has fewer than four major funding sources, the committee shall disclose all major funding sources.

Political Sign Regulations for Homeowners' Associations (ARIZONA REVISED STATUTES §33-1808)

Unless otherwise indicated in community documents, a homeowners' association must allow the indoor or outdoor display of a political sign by an association member on that member's property subject to the following:

- ◆ Signs cannot be displayed earlier than forty-five (45) days before election day.
- ◆ Signs must be removed no later than seven (7) days after an election day.
- ◆ An association may regulate the size and number of political signs that may be placed on a member's property IF the association's regulations are no more restrictive than the City of Tucson's regulations.
- ◆ The maximum allowable area in a residential district is six (6) square feet.

Who to Contact

For Information or to File Complaints:

Sign Code Enforcement
Housing and Community Development
320 N. Commerce Park Loop
Sentinel Building, 2nd Floor
(520) 791-5843

Mailing Address:
P.O. Box 27210, Tucson, AZ 85726-7210

For Information on Right-of-Way:

Tucson Department of Transportation website at: <http://maps.tucsonaz.gov/mrsurvey/>

This Publication Prepared by:

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